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10/19/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: T. Habing et al. Attorney Docket No. PFIT115689  
Application No.: 09/602,198 Group Art Unit: 3764  
Filed: June 22, 2000 Examiner: V. Hwang  
Title: EXERCISE MACHINE PRESS ARM

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

I, Bradley T. Fox, represent that I am the attorney of record for the above-identified application. Illinois Tool Works, Inc. ("Illinois Tool Works"), a corporation of the State of Illinois, having a place of business at 3600 West Lake Avenue, Glenview, Illinois 60025, is the assignee and owner of the entire right, title and interest in the above application by an assignment from the inventors of the patent application identified above. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 013390, Frame 0197.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Illinois Tool Works hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,080,091, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,080,091, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Illinois Tool Works does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,080,091 in the event that said prior U.S. Patent No. 6,080,091 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Our Check No. 132615 in the sum of \$110.00 for the terminal disclaimer fee under 37 C.F.R. § 1.20 is included. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire procedure of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this sheet is enclosed.

The undersigned represents that he is an attorney of record for Illinois Tool Works and has the authority to execute this document on behalf of Illinois Tool Words. The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

October 9, 2001

Date



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